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FEB 22 2008

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Date • February 22, 2008

Pages • 3, including coversheet

**Transmit To • EXAMINER Lien Tran
ART UNIT 1794**

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Client/Matter Name ADM 030867

Client ID/Matter No. • 0233040/0113

Please see attached response re :Serial No. 10/723,490, filed November 26, 2003.

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11-1637561 v1

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PATENT
030867

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sikorski

Serial No.: 10/723,490

: FOODS AND DRINKS CONTAINING
: DIACYLGLYCEROL

Examiner: Lien Tran

Filed: November 26, 2003

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have been required to elect species in accordance with the Restriction Requirement mailed January 9, 2008.

Remarks begin on Page 2.

Attorney Docket No. 030867
Response to Restriction Requirement
Application Serial No. 10/723,490

REMARKS

In the Office Action dated January 9, 2008, the Examiner required that Applicants elect for further prosecution a single species from:

Species I, claims 1-32 and 35-45, directed to baked food products;

Species II, claims 33-34, directed to beverage products.

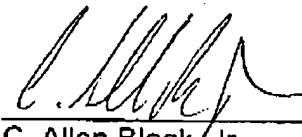
Applicants elect species I, claims 1-32 and 35-45, without traverse. Although the Examiner has not identified any claim as being generic, responsive to this requirement, Applicants note that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all limitations of the allowed generic claim as provided by 37 C.F.R. § 1.141.

CONCLUSION

Examination of the claims and passage to allowance at an early date are earnestly solicited. If the undersigned can be of any assistance to the Examiner in addressing any remaining issue to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,

Date: 2/20/08



C. Allen Black, Jr.
Reg. No. 53,835

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